



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,967 | 01/22/2002 | Kenneth B. Cecil | A-7460.CIP.MP/lat | 9110 |

20741 7590 08/13/2003
HOFFMAN WASSON & GITLER
2361 JEFFERSON DAVIS HIGHWAY
SUITE 522
ARLINGTON, VA 22202

EXAMINER

ST CYR, DANIEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2876 | |

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application N . | Applicant(s) |
| | 10/050,967 | CECIL ET AL. |
| Examiner | Art Unit | |
| Daniel St.Cyr | 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 May 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the response filed 5/27/03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 11, 12, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga, US Patent No. 5,397,884, in view of Pavlov et al, US Patent No. 4,614,861.

Saliga discloses an electronic key storing time varying code segments generated by a central computer and operating with synchronized off-line locks comprising: a portable device 44 provided with a memory 40 including stored data, wherein a reader reads the data stored in the memory to match the data with currently valid data, if a match is found it produces a first signal; and a receiver for receiving the first signal wherein said receiver is in physical contact

with the portable device when receiving said first signal access, said receiver produces a second signal to operate the device (lock) (see col. 8, line 48 to col. 9, line 29).

Saliga discloses that automatic identification means (e.g. signature verification or keyboard and magnetic stripe reader to allow personal identification number to be used in conjunction an identification card), but fails to disclose a card having a keyboard entry means for entering PIN information to provide identification approval and having and/or a card having a magnetic stripe.

Pavlov et al disclose a unitary, self-contained card verification and validation system and method comprising: a card 10 having keypad 12 for entering PIN to provide identification approval and having a magnetic stripe 12 (see figures 1-3).

In view of Pavlov et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Saliga to employ the well-known self-contained verification card in lieu of the portable device for accessing the facility. Such modification would provide greater security wherein a PIN would be required to gaining access, which would prevent individuals with stolen cards from getting access to the facility. Furthermore, such modification would prevent unauthorized monitor of patron's confidential information. Therefore, it would have been an obvious extension as taught by Saliga.

5. Claims 1-4, 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh, US Patent No. 5,016,376, in view of Imran and Pavlov. The teachings of Pavlov have discussed above.

Pugh discloses a magnetic actuated firearms locking mechanism comprising: a safety

device for preventing unauthorized firing of a weapon H; a trigger 1; a mechanical firing means F for firing the weapon; a solenoid means S controllably actuates or deactuates upon the application of an electrical current or signal generated by the power source P; a decoder means D is mounted with the weapon for detecting a signal from an authorized user and selectively activating the solenoid means upon the signal from the authorized user; an encoder means E creates the signal indicating that the possessor is authorized to use the weapon; and a linkage means L connects the solenoid means S and the firing means F for controllably enabling or disabling the weapon from being fired upon the desired activation of the solenoid means (see figure 1 and col. 2, line 32+).

Pugh fails to disclose or fairly suggest using a proximity card technique that uses RF communication means for operating the firearm.

Imran discloses an electronic access card with visual display comprising: a printed circuit board; a microprocessor is carried by the printed circuit board; key pad means is carried by the board and is connected to the microprocessor for inserting information into the microprocessor; coil means is carried by the printed circuit board and is connected to the microprocessor for receiving and transmitting information with respect to the microprocessor; visual display means is carried by the printed circuit board and is coupled to the microprocessor for displaying information in the microprocessor. More in particular, the electronic access card 11 having a visual display ; a printed circuit board 12 which has a key pad or keyboard assembly 13 mounted on the front side thereof. The keypad assembly includes a plurality of keys 14 in which 10 of the keys carry the arabic numerals 0-9 and in which other keys carry other suitable

indicia. These indicia have been indicated as the letters A-G for convenience of illustration (see figure 1; col. 2, line 40 to col. 3, line 62; col. 4, lines 21-25).

In view of Imran's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Pugh by substituting the magnetic system (i.e. magnetic encoder/decoder) with the well-known proximity communication technique for operating the firearm. Such modification would provide greater storage space to store more unique information so that the user could be accurately identified. Further, such modification would provide more effective communication between the encoder/decoder device and the firearm, which would make the system more secured and would prevent accidents. Therefore, it would have been an obvious extension as taught by Pugh.

Pugh as modified by Imran fails to teach that the user information is compared within the card to provide the output signal to the device.

See Pavlov above.

In view of Pavlov's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Pugh as modified by Imran so that the inputted user information is compared within the card to authenticate the user. Such modification would simplify and expedite the authentication process so quickly activate the firearm so that the user could take the appropriate actions (i.e. preventing criminal acts, self-defending, securing, etc.). Therefore, it would have been an obvious extension as taught by Pugh as modified by Imran.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh as modified by Imran and Pavlov as applied to claims 1-4 above and further in view of Vardanyan et al, US

Patent No. 6,079,621. The teachings of Pugh as modified by Imran and Pavlov have discussed above.

Pugh as modified by Imran and Pavlov discloses a lithium battery 36, but fails to disclose or fairly suggests a solar cell.

Vardanyan et al disclose a secure card for E-commerce and identification comprising: a processor 2 including data storage and a controller, the data storage and the controller form circuitry external to the processor for working in conjunction with the processor and a photovoltaic power strip 4 in the form of a flexible solar battery for converting light into electricity is disposed on the card for providing sufficient power for powering the processor 2.

It would have been obvious for an artisan at the time the invention was made to employ a solar power battery in lieu of or in conjunction with the lithium battery of Pugh as modified by Imran and Pavlov for providing a permanent source of power to the system of Pugh as modified by Imran and Pavlov. Furthermore, it is known in the art to employ solar batteries in conjunction with other rechargeable batteries so that the solar batteries can recharge the other batteries. Therefore, it would have been an extension as taught by Pugh as modified by Imran and Pavlov.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh as modified by Imran and Pavlov as applied to claims 1-4 above and further in view of Tamaka et al, US Patent No. 6,126,077. The teachings of Pugh as modified by Imran and Pavlov have discussed above.

Pugh as modified by Imran and Pavlov fails to disclose that dipole antennas are used for communication between the card and the external device.

Tamaka et al disclose a data processing apparatus and method for data transmission comprising: a IC card having a half wavelength dipole antenna 86 while R/W 41 has a half wavelength dipole antenna 106 (see col. 8, lines 42-50).

It would have been obvious for artisan to employ dipole antennas in lieu of the loop antennas in the system of Pugh as modified by Imran and Pavlov for providing a more flexible system wherein the property of the antennas changes according to the contents of the transmitted data. Such modification would provide a more reliable and a more effective system. Therefore, it would have been extension as taught by Pugh as modified by Imran and Pavlov.

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,340,116 in view of Pugh, US Patent No. 5,016,376.

Claims 1-36 disclose all the limitation except the system operates a firearm and that the receiver is in physical contact with the portable device.

Pugh discloses a firearm activation system using magnetic signal using physical contact to transfer the activation signal.

It would have been obvious for an ordinary artisan to employ the teachings of claims 1-36 in conjunction with the Pugh system to provide a more secured system that requires physical contact to activate the firearm. Such system would prevent unauthorized firearms access and also prevent firearms accidents. Therefore, it would have been obvious to an artisan in the art.

Allowable Subject Matter

9. Claim 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and upon filing of a **terminal disclaimer**.

The following is a statement of reasons for the indication of allowable subject matter: although the prior art of record teach system that includes a portable device for communicating to a receiver of an electronic identification system to provide an activation signal to operate the system, the prior art of record fails to disclose or fairly suggest a timing device initiated by a first entry of a personal data wherein after a period of time the timing device halts the operation of the portable device until a second entry of the personal data. These limitations in conjunction with other limitation in the claims were not shown by the prior art of record.

Response to Arguments

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Art Unit: 2876

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daigneault et al, US Patent No. 6,374,356, disclose a shared intelligence automated access control system.

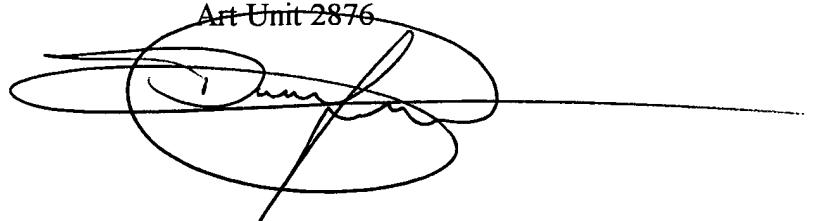
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Primary Examiner
Art Unit 2876

DS
August 7, 2003

A handwritten signature in black ink, appearing to read "Daniel St.Cyr", is enclosed within a large, roughly oval-shaped oval. The signature is fluid and cursive, with a small "1" written inside the inner oval.